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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,615	08/20/2001	William J. Beyda	2001P15259US	6744

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,615

Applicant(s)

BEYDA, WILLIAM J.

Examiner

Nittaya Juntima

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 9/19/2006.
2. The objections to the claims are withdrawn in view of applicant's amendment.
3. Claims 1-18 remain rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al. ("Ma") (USPN 6,795,867 B1).

Regarding claim 1, as shown in Fig. 2, Ma teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 6, lines 62-col. 7, lines 22.

Wherein a router or proxy server (the LMU of gatekeeper 220 or the LMU of gatekeeper 222) determines if a local gatekeeper is unavailable prior to routing a call request to the backup gatekeeper. See col. 6, lines 62-col. 7, lines 22.

Wherein access to the backup gatekeeper is provided by subscription to users of particular ones of the plurality of local VoIP networks (since how a subscription is performed is not further defined, and a call is redirected from an assigned/local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, access to the backup gatekeeper is provided by subscription to users of particular ones of the plurality of local VoIP networks in order for the call to be rerouted to the servicing/backup gatekeeper).

Regarding claims 2 and 15, Ma further teaches that said backup gatekeeper (gatekeeper 224) sets up and services a call for an unavailable local gatekeeper (gatekeeper 220 and/or gatekeeper 222), col. 7, lines 5-7 and 20-22, and that a gatekeeper performs two important call control functions, namely, address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25. Therefore, it is inherent that the backup gatekeeper (gatekeeper 224) must maintain local gatekeeper profiles (profiles of respective gatekeepers 220 and 222) in its database and access one of said local profiles when a corresponding local gatekeeper is unavailable in order to set up and service a call for an unavailable local gatekeeper.

Regarding claims 3, 4, 16, and 17, as shown in Fig. 2, Ma teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available (col. 6, lines 62-col. 7, lines 22).

(For claims 16 and 17 only) A user of said one of said local VoIP networks is a subscriber to backup gatekeeper services (since how a subscription is performed is not further defined, and a call is redirected from an assigned/unavailable local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, a user of said one of said local VoIP networks is a subscriber to backup gatekeeper services in order for the call from a user who registered with an assigned gatekeeper to be rerouted to the servicing/backup gatekeeper).

Wherein said backup gatekeeper is configured to maintain local gatekeeper profiles in a database and access one of said local profiles when a corresponding local gatekeeper is unavailable (since Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeeper 220 and gatekeeper 222, col. 6, lines 62-col. 7, lines 22, and that (ii) a gatekeeper performs two important call control functions, i.e., address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25. Therefore, it is inherent that gatekeeper 224 must maintain zone gatekeeper profiles for respective gatekeepers 220 and 222 in its database and access one of the profiles when a corresponding zone gatekeeper is unavailable in order to set up and service a call for an unavailable zone gatekeeper).

A proxy server/one router (central LMU) directs call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeeper if the local gatekeepers are not. See col. 6, lines 5-9, 45-48, and col. 8, lines 21-40.

(For claims 3 and 4 only) Wherein access to the backup gatekeeper is provided by subscription to users of particular ones of the plurality of local VoIP networks (since how a subscription is performed is not further defined, and a call is redirected from an assigned/local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, access to the backup gatekeeper is provided by subscription to users of particular ones of the plurality of local VoIP networks in order for the call to be rerouted to the servicing/backup gatekeeper).

Regarding claims 5 and 18, Ma teaches that said backup gatekeeper (gatekeeper 224, Fig. 2) is provided by a Network Services Provider (a system operator, col. 5, lines 53-56).

Regarding claim 6, as shown in Fig. 2, Ma teaches a telecommunications gatekeeper (gatekeeper 224), comprising:

A control unit (a processor must be included in gatekeeper 224 to perform two important call control functions, col. 5, lines 18-25).

A plurality of local gatekeeper modules corresponding to local gatekeepers (gatekeepers 220 and 222) associated with said telecommunications gatekeeper, wherein said control unit selects, for operation, individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (since Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeepers 220 and gatekeeper 222, col. 6, lines 62-col. 7, lines 22, and that (ii) a gatekeeper performs two important call control functions, namely, address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25. Therefore, it is inherent that gatekeeper 224 must contain a plurality of zone gatekeeper modules corresponding to gatekeepers 220 and 222 and the processor of gatekeeper 224 must select ones

of the modules in order to successfully set up and service calls for unavailable zone gatekeepers 220 and 222).

The unavailability of the corresponding ones of the local gatekeepers is reported by a router or proxy server (central LMU, col. 6, lines 5-9 and col. 8, lines 21-40).

Wherein selection of individual ones of said local gatekeeper modules is based on subscription to users of individual ones of a plurality of local VoIP networks (since how a subscription is performed is not further defined, and a call is redirected from an assigned/unavailable local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, selection of individual ones of said local gatekeeper modules is based on subscription to users of individual ones of a plurality of local VoIP networks in order for the call to be rerouted to the servicing/backup gatekeeper).

Regarding claim 7, as shown in Fig. 2, Ma teaches a telecommunications system, comprising:

A plurality of voice over packet networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks), each of said voice over packet networks having an associated local gatekeeper (corresponding gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224) having a plurality of local gatekeeper modules corresponding to local gatekeepers and selects, for operation, individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers (gatekeepers 220 and 222) are unavailable (since Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeepers 220 and gatekeeper 222, col. 6, lines 62-col. 7, lines 22, and

that (ii) a gatekeeper performs two important call control functions, namely, address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25. Therefore, it is inherent that gatekeeper 224 must contain a plurality of zone gatekeeper modules corresponding to gatekeepers 220 and 222 and select ones of the modules in order to set up and service calls for unavailable zone gatekeepers 220 and 222).

Wherein access to individual ones of said local gatekeeper modules in the backup gatekeeper is provided by subscription to users of the individual ones of the plurality of voice over packet networks (since how a subscription is performed is not further defined, and a call is redirected from an assigned/unavailable local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, access to individual ones of said local gatekeeper modules in the backup gatekeeper is provided by subscription to users of the individual ones of the plurality of voice over packet networks in order for the call to be rerouted to the servicing/backup gatekeeper).

Regarding claims 8 and 9, because Ma teaches that that gatekeeper 224 in Fig. 2 sets up and services a call between endpoints 240 and 234 when gatekeeper 222 is not available (col. 7, lines 8-22) and Fig. 2 shows that router 210 is connected gatekeeper 224 to endpoint 240, therefore, router 210 (a proxy server/a router) must route gatekeeper signaling to and from gatekeeper 224 (the backup gatekeeper) if gatekeeper 222 (a local gatekeeper) is not available.

Regarding claim 10, Ma also teaches that the backup gatekeeper (gatekeeper 224 in Fig. 2) is programmed to provide said local gatekeeper modules for service as a subscription service (since Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeepers 220 and gatekeeper 222, col. 6, lines 62-col. 7, lines 22, and that (ii) a gatekeeper

performs two important call control functions, namely, address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25. Therefore, it is inherent that the local gatekeeper modules must be provided for service as a subscription/registered service), and said backup gatekeeper being provided at a location of a service provider (a system operator, col. 5, lines 53-56)

Regarding claim 11, Ma teaches a method, comprising:

Monitoring whether a plurality of local gatekeepers (gatekeepers 220 and 222 in Fig. 2) are available (the central LMU in Fig. 3B must monitor zone gatekeepers availability). See col. 6, lines 42-51 and col. 8, lines 21-27.

Providing backup gatekeeper services from a backup gatekeeper (gatekeeper 224) if any of said local gatekeepers are determined by an associated router (the central LMU) to not be available (col. 6, lines 45-48, col. 6, lines 62-col. 7, lines 22, and col. 8, lines 21-40), and a user of a not available local gatekeeper is determined to be a subscriber to backup gatekeeper services (since how a subscription is performed is not further defined, and a call is redirected from an assigned/unavailable local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, a user of a not available local gatekeeper is determined to be a subscriber to backup gatekeeper services in order for the call from a user who registered with an assigned gatekeeper to be rerouted to the servicing/backup gatekeeper).

Regarding claims 12 and 13, a proxy server/a router (the central LMU in Fig. 3B) determines if a local gatekeeper (gatekeeper 220) is unavailable and routes gatekeeper signaling to the backup gatekeeper (gatekeeper 224) in response thereto. See col. 6, lines 45-48, col. 6, lines 62-col. 7, lines 7, and col. 8, lines 21-40.

Regarding claim 14, as shown in Fig. 2, Ma teaches a method, comprising:

Providing a plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

Providing a backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available (col. 6, lines 62-col. 7, lines 22) and a user of said one of said local VoIP networks is a subscriber to backup gatekeeper services (since how a subscription is performed is not further defined, and a call is redirected from an assigned/unavailable local gatekeeper to a servicing/backup gatekeeper, col. 6, lines 41-51, 62-col. 7, lines 22, therefore, a user of said one of said local VoIP networks is a subscriber to backup gatekeeper services in order for the call from a user who registered with an assigned gatekeeper to be rerouted to the servicing/backup gatekeeper).

Providing a router (the LMU of gatekeeper 220) determines if a local gatekeeper is unavailable prior to routing a call request to the backup gatekeeper. See col. 6, lines 62-col. 7, lines 7.

Response to Arguments

6. Applicant's arguments filed 9/19/2006 have been fully considered but they are not persuasive.

A. In the remarks regarding the amended independent claims 1, 3, 4, 6, 7, 11, 14, 16, and 17,

the applicant argues that Ma does not teach that the backup services can be provided on a subscriber-only basis, as generally recited in the claims.

In response, since the details of how the subscription is performed is not claimed, and Ma teaches that the backup services is provided to a user who generates a call set up to and is registered with a local gatekeeper when the local gatekeeper becomes unavailable, i.e., a call is redirected from an assigned local gatekeeper to a servicing/backup gatekeeper (col. 6, lines 41-51, 62-col. 7, lines 22), therefore, the claim limitation of each of the amended independent claims 1, 3, 4, 6, 7, 11, 14, 16, and 17 is met. The rejection is therefore maintained.

B. In the remarks regarding claims 2-5, 7, and 15-18, Ma fails to teach that maintaining local gatekeeper profiles in a database which can include determining which services are available for a particular subscriber and whether any customer-specific limits apply.

In response, Ma teaches that

(i) gatekeeper 224 sets up and services calls for unavailable zone gatekeeper 220 and gatekeeper 222, col. 6, lines 62-col. 7, lines 22, and

(ii) a gatekeeper performs two important call control functions, namely, address translation, and bandwidth management, for registered endpoints, col. 5, lines 18-25.

Therefore, the gatekeeper 224 must maintain zone/local gatekeeper profiles/ modules for respective gatekeepers 220 and 222 in its database and access one of the profiles/modules when a corresponding zone/local gatekeeper is unavailable in order to successfully set up and service a call for an unavailable zone gatekeeper.

It is noted that the features upon which applicant relies (i.e., the local gatekeeper profiles in a database includes determining which services are available for a particular subscriber and

Art Unit: 2616

whether any customer-specific limits apply) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With the explanation provided above, the rejection of claims 2-5, 7, and 15-18 is maintained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 2616

supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima
November 20, 2006

NJ



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